

## Coast Guard, DHS

## § 25.509

after the termination of the war or armed conflict.

(b) For the purposes of this section, a war or armed conflict is one in which an armed service of the United States is engaged. The dates of commencement and termination of an armed conflict will be as established by concurrent resolution of Congress or by determination of the President.

### § 25.409 Appeal.

(a) A claimant may submit an appeal, in writing, through the settlement authority disapproving the claim or approving the claim in part.

(1) The appeal shall set forth fully the legal or factual bases asserted as grounds for the appeal; and

(2) The appeal is permitted only if it is postmarked within 45 days after receipt of (i) notice of disapproval of the claim or (ii) offer of settlement in a reduced amount.

(b) The disapproval of a claim is final unless the claimant submits a request for reconsideration or an appeal in writing.

(c) Upon receipt of an appeal, the settlement authority examines it and forwards it with the claim file, opinions, and recommendations to the next higher settlement authority.

## Subpart E—Foreign Claims

AUTHORITY: 10 U.S.C. 2734; 49 CFR 1.46(b).

### § 25.501 Scope.

This subpart prescribes the requirements for the administrative settlement of claims against the United States by a foreign country, political subdivision or inhabitant thereof, for death, personal injury, damage to or loss of property occurring outside the United States, its territories, commonwealths, or possessions, caused by a military member or civilian employee of the Coast Guard, or otherwise incident to noncombat activities of the Coast Guard.

### § 25.503 Proper claimants.

(a) The claimant, or the decedent in a death case, must have been an inhabitant of a foreign country at the time of the incident giving rise to the claim

and must not be otherwise excluded by § 25.505. It is not necessary that a claimant be a citizen of, or legal domiciliary of the foreign country.

(b) A corporation or other organization doing business in a foreign country on a permanent basis may qualify as a proper claimant although organized under United States law.

(c) The government of a foreign country or a political subdivision thereof is a proper claimant unless excluded by waiver provisions of applicable international agreements.

### § 25.505 Claimants excluded.

(a) Civilian employees of the United States and members of the armed services of the United States and their dependents, who are in a foreign country primarily because of their own or their sponsor's duty status.

(b) Other citizens of the United States, its territories, commonwealths, or possessions, unless they can establish their status as inhabitants of the foreign country.

(c) An insurer or other subrogee.

### § 25.507 Claims payable.

(a) A claim is payable under this subpart if it was incident to a noncombat activity of the Coast Guard or was caused by:

(1) A military member of the Coast Guard;

(2) A civilian employee of the Coast Guard who is not a national of the country in which the incident occurred; or

(3) A civilian employee of the Coast Guard who is a national of the country in which the incident occurred if:

(i) The employee was within the scope of employment, or

(ii) An employer or owner of the property involved would be liable under local law.

(b) The fact that the act giving rise to a claim may constitute a crime does not, by itself, bar relief.

(c) Local law or custom pertaining to contributory or comparative negligence, and to joint tort-feasors, are applied to the extent practicable.

### § 25.509 Claims not payable.

A claim is not payable under this subpart if it: